



## OFFICE OF THE PRESIDENT

January 2, 2002

The Honorable Edward J. Markey  
2108 RHOB  
Washington, D.C. 20515

Dear Representative Markey,

Thank you for your inquiry of December 18, 2001 requesting information from Northern Arizona University related to the shipping of *Bacillus anthracis*. We are appreciative of your leadership and foresight on behalf of our nation to strengthen the requirements and monitoring of the shipment of select agents. Upon becoming aware of your letter from the media, I met with our genetic scientists, administrators and other appropriate university officials to review your concerns.

I am happy to report that Northern Arizona University (NAU) is in full compliance with all Federal regulations concerning the handling and shipping of *Bacillus anthracis*. We have violated no laws or regulations in our activities. NAU has never shipped *Bacillus anthracis* to any non-authorized persons or institutions. Any persons or organizations that state otherwise are incorrect.

I also believe it is important to note that NAU is currently engaged with the Federal Bureau of Investigation in the ongoing investigation of the AMERITHRAX major case No. 184. Our personnel are under nondisclosure agreements with the Federal Bureau of Investigation (FBI) to protect national security. This has greatly affected our legal ability to respond to inaccurate reports of an "illegal transfer" of *Bacillus anthracis* to Los Alamos National Laboratory (LANL).

NAU did indeed ship a DNA sample that contained an estimated 20 spores of virulent *Bacillus anthracis* "Ames" to Los Alamos National Laboratory (LANL) on Oct 26, 2001. This package was labeled and shipped as an infectious agent as required by the *Dangerous Goods Regulations (DGR)* by the *International Air Transport Association (IATA)*. Following are several resources available that are used to govern our shipment activities:

<http://www.cdc.gov/od/ohs/biosfty/bmbl4/b4ac.htm>

<http://www.iata.org/cargo/dg/index.htm>

<http://www.iata.org/cargo/dg/dgr.htm>

Specifically, the shipment cited in your letter was requested by LANL using a Centers for Disease Control (CDC) EA101 form and accompanied by a CDC facility certification. Phone conversations with LANL officials confirmed the acceptability of the shipment,

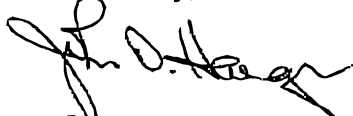
prior to shipping. NAU personnel were in communication with LANL scientists periodically during the sample shipping to monitor its safe arrival. LANL officials notified NAU personnel of the shipment's arrival within a few hours. The completed EA101 was FAXed by NAU to the CDC as required by select agent regulations.

Most of the details concerning the strain shipped to LANL are covered under our nondisclosure agreement with the FBI. We would need written permission from them in order to provide you with more than perfunctory details on the strain. However, I can verify that the transfer agent was the "Amcs" strain. If you need any further information, I would respectfully request that you contact the FBI to seek approval for NAU to provide any further details you may wish to obtain. At that point, NAU would be pleased to provide any information that you might desire, along with the assistance of our genetic scientists, in your research into these important issues.

In addition, I think it is important to set the record straight regarding media reports and a reference in your letter. As you know, anthrax is a disease while *Bacillus anthracis* is a bacterium. Northern Arizona University has never had a case of anthrax, though we do work with the bacterial pathogen *Bacillus anthracis*. This important point has been lost in much of the public discourse since the events of September 11<sup>th</sup>.

Again, thank you for your efforts to make our nation a safe haven for our citizens and for your support of valuable research endeavors. Please feel to contact me, if I can be of any further assistance.

Sincerely,



John D. Hager  
President

c: The Honorable John McCain  
The Honorable Jon Kyl  
The Honorable Jeff Flake  
The Honorable Ed Pastor  
The Honorable Bob Stump  
The Honorable John Shadegg  
The Honorable Jim Kolbe  
The Honorable J.D. Hayworth  
Governor Jane D. Hull  
The Honorable Randall Gnant  
The Honorable Jim Weiers  
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